



General Assembly

January Session, 2007

Raised Bill No. 7390

LCO No. 5818

05818_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING OVERSIGHT OF INTELLIGENCE GATHERING
BY LAW ENFORCEMENT AGENCIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2007*) (a) A law enforcement
2 agency may collect and maintain criminal intelligence information
3 concerning individuals and organizations for the purposes of (1)
4 ensuring the safety and security of public officials, and (2) preventing
5 the disturbance or disruption of, or the interference with, the
6 performance by a public official of his or her official functions, powers
7 or duties or with the meetings of a public agency.
- 8 (b) A law enforcement agency may collect and maintain criminal
9 intelligence information concerning an individual or organization
10 pursuant to subsection (a) of this section if:
- 11 (1) Such agency has a reasonable and articulable suspicion that such
12 individual or organization is engaged in or will engage in criminal
13 conduct or activity directed toward a public official or with respect to
14 the performance by a public official of his or her official functions,
15 powers or duties or with respect to the meetings of a public agency;

16 (2) Such individual has been convicted of an offense involving the
17 use, attempted use or threatened use of physical force against another
18 person;

19 (3) Such individual has been convicted of threatening, harassing or
20 stalking a public official, violating a restraining or protective order
21 involving a public official or committing criminal trespass in a
22 building or other premises where a public official resides or frequents;
23 or

24 (4) Such individual has been convicted of an offense involving the
25 disturbance or disruption of, or interference with, the performance by
26 a public official of his or her official functions, powers or duties or with
27 the meetings of a public agency.

28 (c) A law enforcement agency may collect and maintain criminal
29 intelligence information concerning an individual or organization
30 pursuant to subsection (a) of this section for reasons other than those
31 specified in subsection (b) of this section whenever such agency deems
32 it appropriate for the purposes set forth in subsection (a) of this
33 section.

34 (d) A law enforcement agency shall not collect or maintain criminal
35 intelligence information about the political, religious or social views,
36 associations or activities of any individual or organization unless such
37 information directly relates to criminal conduct or activity and there is
38 reasonable and articulable suspicion that the subject of the information
39 is engaged in or will engage in criminal conduct or activity.

40 (e) Whenever a law enforcement agency briefs its officers
41 concerning the safety and security of public officials or preventing the
42 disturbance or disruption of, or the interference with, the performance
43 by a public official of his or her official functions, powers or duties or
44 with the meeting of a public agency, and disseminates information
45 about individuals or organizations that it has collected under this
46 section, the agency shall include in such briefing an explanation of

47 statutory and constitutional rights that citizens have at such public
48 events including, but not limited to, freedom of speech, freedom from
49 unreasonable searches and seizures, freedom from arrest, detention or
50 punishment except where clearly warranted by law, and the right to
51 peaceably assemble and petition their government for a redress of
52 grievances.

53 (f) Nothing in this section shall be construed to prevent the receipt
54 by a law enforcement agency of a tip concerning actual or suspected
55 criminal conduct or activity and the investigation thereof by such
56 agency.

57 Sec. 2. Section 1-215 of the general statutes is repealed and the
58 following is substituted in lieu thereof (*Effective October 1, 2007*):

59 (a) Notwithstanding any provision of the general statutes to the
60 contrary, and except as otherwise provided in this section, any record
61 of the arrest of any person, other than a juvenile, except a record
62 erased pursuant to chapter 961a, shall be a public record from the time
63 of such arrest and shall be disclosed in accordance with the provisions
64 of section 1-212 and subsection (a) of section 1-210, except that
65 disclosure of data or information other than that set forth in
66 subdivision (1) of subsection (b) of this section shall be subject to the
67 provisions of subdivision (3) of subsection (b) of section 1-210. Any
68 personal possessions or effects found on a person at the time of such
69 person's arrest shall not be disclosed unless such possessions or effects
70 are relevant to the crime for which such person was arrested.

71 (b) For the purposes of this section, "record of the arrest" means (1)
72 the name and address of the person arrested, the date, time and place
73 of the arrest, [and] the offense for which the person was arrested and
74 the facts and circumstances that constituted probable cause for the
75 arrest, and (2) at least one of the following, designated by the law
76 enforcement agency: The arrest report, incident report, news release or
77 other similar report of the arrest of a person.

78 (c) Notwithstanding the provisions of subsection (a) of this section,
79 upon the request of the chairpersons of the joint standing committee of
80 the General Assembly having cognizance of matters relating to
81 criminal law and procedure, a law enforcement agency shall disclose
82 data and information compiled in connection with the arrest of an
83 individual to such chairpersons and the members of said committee
84 for use in the performance of their legislative duties. Data and
85 information disclosed pursuant to this subsection shall not be further
86 disclosed by such chairpersons or members.

87 Sec. 3. (NEW) (*Effective October 1, 2007*) (a) There is established a
88 select legislative committee on oversight to oversee and make
89 continuing studies of the intelligence activities and programs of the
90 state and municipalities. The select committee shall:

91 (1) Review the intelligence activities and programs of state and
92 municipal law enforcement agencies;

93 (2) Report to the General Assembly concerning such intelligence
94 activities and programs and submit to the General Assembly any
95 recommendations for legislation related thereto; and

96 (3) Provide legislative oversight over the intelligence activities of the
97 state and municipalities to assure that such activities are in conformity
98 with the laws and Constitution of the state and the United States
99 Constitution.

100 (b) The committee shall be comprised of the chairpersons and
101 ranking members of the joint standing committees of the General
102 Assembly having cognizance of matters relating to the judiciary, public
103 safety and government administration.

104 (c) The president pro tempore of the Senate and the speaker of the
105 House of Representatives may convene the select committee whenever
106 they deem it necessary.

107 (d) The select committee shall be subject to the provisions of chapter

108 14 of the general statutes and meetings of the select committee shall be
109 open to the public except when the committee meets in executive
110 session, as defined in section 1-200 of the general statutes, or meets to
111 receive criminal intelligence information pursuant to 28 Code of
112 Federal Regulations, Part 23.

113 (e) The committee shall be deemed a law enforcement authority
114 performing a law enforcement activity for purposes of receiving
115 criminal intelligence information pursuant to 28 Code of Federal
116 Regulations, Part 23. The committee shall adopt procedures concerning
117 the receipt, maintenance, security and dissemination of such criminal
118 intelligence information that is consistent with federal regulations.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	1-215
Sec. 3	<i>October 1, 2007</i>	New section

Statement of Purpose:

To provide legislative oversight of criminal intelligence gathering activities of law enforcement agencies.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]